

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cr-0008
)	
KEYUR HIRENBHAI PATEL,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is the United States of America's (the "Government") Motion to Continue Trial, currently scheduled for October 4, 2021. For the reasons stated herein, the Court will grant the motion to continue. The time to try this case is extended up to and including January 10, 2022.

On July 20, 2021, the Government filed a motion to continue trial. (ECF No. 55). In the motion, the Government asserts Defendant Keyur Hirenbai Patel ("Patel") has filed a petition seeking asylum in the United States and is awaiting a credible fear interview to determine whether he has established a reasonable prima facie case that makes it plausible that he could be granted asylum. *Id.* at 1. As such, the United States requests a continuance of the date so that the Patel may present his case for asylum during his credible fear interview. In addition, the Government asserts that the Government's counsel has planned off-island travel coinciding with the current date of trial. *Id.* at 2. Patel does not oppose the motion.

Moreover, in response to the current conditions in the COVID-19 pandemic, the undersigned, as Chief Judge of the District Court of the Virgin Islands, issued a general order concerning operations of the Court on September 30, 2021, suspending all jury trials through October 31, 2021.¹ The Court hereby fully incorporates the findings from the Court's Twenty-Seventh Operations Order as fully stated herein.

¹ <https://www.vid.uscourts.gov/sites/vid/files/general-orders/Twenty-Seventh%20Order%20Concerning%20Court%20Operations%20During%20COVID%20Outbreak.pdf>

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To date, the COVID-19 virus has claimed more than 696,000 lives in the United States (71 of which have been in the U.S. Virgin Islands). COVID-19 continues to present an unpredictable threat to public health and safety, as shown in the recent surge in COVID-19 cases both in the continental United States and the Virgin Islands. As such, the Court finds that extending the period within which Defendant Patel may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendant, the jury, the prosecutors, the witnesses, the Court's personnel, and the general public at large.

The premises considered, it is hereby

ORDERED that the Government's motion to continue the trial date and extend the motions deadline, ECF No. 55, is **GRANTED**; it is further

ORDERED that the time beginning from the date of this order granting an extension through January 10, 2022, **SHALL** be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the parties **SHALL** file and serve a pre-trial brief no later than January 3, 2022, which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

ORDERED that the parties **SHALL** provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits no later than January 5, 2022;² and it is further

ORDERED that the jury selection and trial in this matter **SHALL** commence promptly at 9:00 a.m. on January 10, 2022, in St. Thomas Courtroom 1.

Dated: October 1, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

² Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government's trial exhibits shall be labelled sequentially beginning with Government's Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.